IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16298 of 2004

Between:

Kunjarla Ramakrishna, S/o Krishnaswamy,
Nallipudi Village, Gangavaram Mandal,
East Godavari District

..... PETITIONER

AND

1 The Additional Agent to Government, (Project Officer, ITDA),
Rampachodavaram, East Godavari District
2 Special Deputy Collector, Tribal Welfare, Rampachodavaram,
East Godavari District
3 The Mandal Revenue Officer, Gangavaram, East Godavari District
4 Annika Laxmi, W/o Chinnayya,
Chinnampalam, Gangavaram Mandal, East Godavari District
5 Annika Kumari, W/o Bhadram,
Chinnampalam, Gangavaram Mandal, East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in not receiving the statutory appeal preferred by the petitioner under Section 3(3) (a) of the Andhra Pradesh Scheduled Area Land Transfer Regulations, 1/1959 as amended by 1/70, which was filed against the order passed by the second respondent in L.T.R.P.No.352/02 and 357/02, dated 30-04-2004 which was served on the petitioner on 14-08-2004 as arbitrary, illegal and contrary to regulation 3(3) (a) of the Andhra Pradesh Scheduled Area Land Transfer Regulations, 1/1959 as amended by 1/70 and offends Articles 14 & 300A of the constitution of India and consequently direct the first respondent to receive the appeal of the petitioner, dated 16-08-2004 and to adjudicate the same in accordance with the law.

Counsel for the Petitioner: MR.V.VENUGOPALA RAO

Counsel for the Respondents: The G.P. FOR TRIBAL WELFARE.

The Court at the stage of admission made the following

ORDER:

Heard learned counsel for the petitioner and learned G.P. for Tribal Welfare for the respondents. Both have no objection for disposal of the writ petition at the admission stage.

Petitioner who claims to be in possession of the property filed two suits in O.S.No.8 of 1991 and O.S.No.1 of 1992 on the file of Sub Divisional Magistrate (Mobile) Rampachodavaram to declare the sale deed dated 28-6-1971 in respect of land to an extent of Acs.2.37 in S.No.357 and sale deed dated 20-7-1970 in respect

of the land to an extent of Acs.6.00 in S.No.407/2 respectively, as void. The said suits were decreed in favour of the petitioner declaring the sale deeds mentioned above are void and the possession was restored to the petitioner on 28-4-1994 in implementation of the said decree. Aggrieved by the same defendant in the said suits preferred appeals in As.No.4 of 1994 and As.No.5 of 1994 on the file of the Agent to Government East Godavari at Kakinada, who remanded the matter back to the competent authority through judgment dated 4-8-1995. Questioning the same petitioner filed two revision petitions in C.R.P.No.2963 of 1995 and C.R.P.No.2964 of 1995 and obtained stay of dispossession on 12-9-1995 and the same are pending adjudication by this court. Meanwhile, second respondent initiated proceedings for ejectment against the petitioner's mother and others and the purchaser of the sale deed, in which the petitioner got impleaded and contested the matter. By order dated 30-4-2004 the Sub Deputy Collector in LTRP Nos.352 and 357 of 2002 ordered for ejectment of the petitioners from the lands. It is the case of the petitioner that against the order of the Sub Deputy Collector, the petitioner filed appeal through registered post, which was returned with the endorsement "refused to receive". In view of the same, the petitioner moved this court by way of filing the present writ petition.

Learned Government Pleader justifies the rejection of the appeal send through registered post stating that under Rule 8 of the A.P. Scheduled area Land Transfer Rules – appeal has to be presented in person but the Rule do not indicate that the appeal can be presented through post, but only says that the appeal can be preferred within two months from the date of the decree or the order in the appeal.

In view of the same, the first respondent is hereby directed to receive the appeal filed by the petitioner presented either by person or through registered post and pass appropriate orders. If the appeal is filed within a period of two weeks from today, the first respondent shall pass appropriate orders on the said appeal. Status quo with regard to the possession of the petitioner will be maintained for a period of six weeks or till the orders are passed on the said appeal.

With the above observation, the Writ Petition is disposed of at the admission stage.

A. **Gopal Reddy, J.**

13th September, 2004

js.

ASSISTANT REGISTRAR

To

1 The Additional Agent to Government, (Project Officer, ITDA), Rampachodavaram, East Godavari District
2 Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District
3 The Mandal Revenue Officer, Gangavaram, East Godavari District
4 2 CCs to G.P. for Tribal Welfare, High Court Buildings, Hyderabad.

5 2 CD copies.